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ANALYSIS OF THE YUGOSLAV LAW ON UNIVERSITIES

[Comment: The following report on the Yugoslav General Law on Universities, which became effective on 15 July 1954, points out the advantages which will ensue as a result of the reorganization of Yugoslav universities and faculties.

The report was written by Marijan Filipovic and published in the Belgrade Savremena skola, Vol IX, No 5-6, 1954.

A complete translation of the actual law is available in Joint Translation Service Summary of the Yugoslav Press, No 1,295, 17 July 1954.]

In June 1954, the National Assembly of Yugoslavia passed the long-awaited General Law on Universities. This is not only the first federal general law on universities, but also the first federal general law on schools in general. It realizes and works out in detail the principle established by the Yugoslav Constitutional Law; namely, that education and culture will be administered by the working people.

In the past, Yugoslav universities operated on the basis of obsolete regulations adopted after the liberation. These were supplemented by regulations of the republic agencies for education, science, and culture, as well as by legal acts adopted by the universities and faculties.

The new law established uniform basic principles to govern organization, administration, and work of faculties and universities. More detailed regulations on the organization and work of universities will be passed by the republics in their laws and by the universities and faculties in their individual statutes.

The new law establishes the following:

1. The university is directly under the national assembly (Narodna skupstina) of the republic concerned, thus emphasizing the importance of the republic national assemblies to society. Faculties and universities are independent and, to a considerable degree, social establishments, which are established on the principles of social administration. Giving as much independence as possible to faculties and universities is in line with the general decentralization of the state administration; it means the elimination of the last vestiges of bureaucratic meddling by the state administration in university affairs and signifies the activation of faculty collectives.

The jurisdiction of the state administration over universities and faculties is reduced to a minimum. The republic national assembly confirms university and faculty statutes, elects a designated number of members of university and faculty councils, and ratifies estimates of university income and expenditures. The republic executive council (izvrsno vece) is charged with the supervision of legal acts of faculty and university administrations, and rules on appeals of or objections to decrees of university and faculty councils by university and faculty administrations. The university and faculty handle all other matters independently on the basis of the new law and their own statutes.

2. The most important characteristic of the new law is the introduction of the new system of social administration of universities and faculties. Social administration of universities is a uniform system which provides for the participation of citizens outside the university in the university and faculty council,

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and of teachers and faculty associates in the university and faculty administration. These persons do not sit in their respective councils as representatives of any agency or establishment but as representatives of society, to whom society has entrusted functions called for by the law. All those participating in the administration of the university or faculty are on the same level; none is above the other.

3. The University Council (Univerzitetski savet), the University Administration (Univerzitetska uprava), and the rector (rektor) administer the university.

The University Council is composed of several categories of members, namely, members elected by the republic national assembly from the ranks of scientific, specialized, and other public workers; one member elected by each faculty administration; one member elected by the people's council (Narodni odbor) of the city in which the university has its headquarters; and one member elected by the university students. The rector (rektor) and vice-rector (prorektor) are also members of the University Council. Members of the council are appointed for 2 years. The law does not specify the number of members which the republic national assembly appoints, but the assembly determines the number it shall appoint at each election. The student member is elected by the students, not by a student organization. The council meetings are presided over by a president, who is elected by secret ballot.

The University Administration is composed of the rector, vice-rector, and deans (dekan) of all faculties. Although students have no representatives in the University Administration, student representatives are entitled to attend administration meetings and give their opinions on subjects involving student interests. The rector presides at meetings of the administration.

4. The rector and vice-rector are elected from the ranks of the full (redovan) and associate (venredni) professors.

5. The University Council issues decrees only on very important questions involving general university policy, organization of university teaching, and scientific research as a whole. The council ensures proper distribution of means which the university is allotted from social society (drustvena zajednica); guarantees a uniform criterion for selecting and promoting university teaching personnel; and ratifies the University Statute (Univerzitetski statut), estimates of income and expenditures, selection of teachers, and the establishment, merging, or abolishment of university establishments.

6. The University Administration mostly handles activities connected with regularizing teaching and scientific work. It prepares decrees on the selection of scientific associates and directors of university establishments; on the appointment of specialized associates for these establishments; on the administration of university property, funds, and debts; on the granting of degree of doctor, etc.

7. The rector represents the university, presides at meetings of the University Administration, arranges meetings of the University Council and University Administration, executes the decrees, sees that the University Statute is applied, concludes agreements in the name of the university, makes promotions to the degree of doctor, appoints university white-collar workers, and does other administrative work for the university.

8. Once a year, the University Administration will call a meeting of the University Assembly (Univerzitetska skupstina), at which the rector and vice-rector will be elected and an annual report on the university and its faculties will be given. The assembly is not an administrative agency and serves principally

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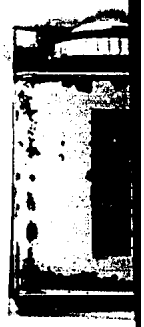

for election purposes. It is composed of teachers and a specified number of assistants and other university and faculty associates. Student representatives may also participate in the discussions of the assembly.

9. The social administration of faculties is based on the same principles as the social administration of universities. Faculties have the same administrative agencies as universities have, namely, the Faculty Council (Fakultetski savet), the Faculty Administration (Fakultetska uprava), and the dean. However, there are the following differences between faculty agencies and university agencies:

a. In addition to the members elected by the republic national assembly, the Faculty Council has a larger number of members from the faculty than the University Council has, their number being specified by the Faculty Statute (Fakultetski statut).

b. The Faculty Administration is composed not only of all teachers in the faculty, but also of a specified number of faculty associates (saradnik).

c. The participation of students in Faculty Council and Faculty Administration meetings when questions involving student interests are being discussed gives the necessary breadth to the social administration of these establishments.

d. The Faculty Council is to the faculty what the University Council is to the university. The Faculty Council is concerned with faculty policy, and handles questions of organization and execution of teaching and scientific research. The council ratifies the draft statute of the faculty and the draft estimate of income and expenditures, prepares the competitive tests used for selection of teachers and associates, gives its opinion on the selection of teachers, approves the selection of faculty associates, etc.

e. The Faculty Administration handles all other administrative work of the faculty. It coordinates the work of all internal organs, establishments, and personnel connected with faculty teaching and faculty life. The Faculty Administration selects teachers and scientific associates, selects and discharges faculty associates, selects and discharges deans, appoints directors of faculty establishments, approves curriculums, handles teaching problems and problems involving the scientific work of the faculty and its establishments, attends to the development of young teaching and scientific personnel and to the training and work of students, administers faculty property, funds, and debts, etc.

f. The dean, who is elected by secret ballot of the Faculty Administration every year from the ranks of full and associate professors, represents the faculty, presides at meetings of the Faculty Administration, and executes the decrees of both faculty organs. The dean may delegate some of his responsibilities to the vice-dean, if the Faculty Administration agrees. The dean automatically becomes vice-dean the following year.

g. A Faculty Assembly (Fakultetska skupstina) is held at the end of each school year. The assembly is composed of teachers, faculty associates, and students. It is held for purposes of hearing a report on the status of the faculty and of the scientific research done by the faculty and by the students. This assembly is public and does not have the elective character of the University Assembly.

10. The new law changes the relations between faculties and universities, for it makes faculties more independent, gives them greater responsibilities, and expands their rights.

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11. The law calls for three types of faculty courses: courses to complete faculty training, courses to specialize, and courses to prepare for the doctorate degree. Courses for the first two must be introduced in all faculties. A special federal law will be passed as regards the third.

12. The doctorate degree may be granted only by universities; formerly, academies of science could grant the doctorate. In addition to a written dissertation and a public defense of the dissertation, which are obligatory for a doctorate, the law calls for an oral examination; this last will be the first step for the degree of doctor. However, the law does provide that a doctoral candidate who has been doing scientific or specialized work for a long period may be exempt from the oral examination.

13. The law makes it possible for a specified number of young scientific personnel and scientific workers to be exempt from teaching and devote their full time to scientific work.

14. The criterion for selection of teachers is stricter than formerly. A teacher (nastavnik) must have his doctorate or be a graduate of a faculty and have completed an independent scientific study or specialized work of scientific importance. Besides that, teachers must have special scientific and teaching qualifications. A candidate for docent must be master of the problems involved in his particular subject and show capability for independent scientific and teaching work. A candidate for associate or full professor must also have written numerous important scientific and specialized works.

15. Selection of university teachers is based on a competitive test (konkurs). Faculty teachers are selected on the basis of reports submitted by two teachers when a docent is being selected, from two professors when an associate professor is being selected, and from three professors when a full professor is being selected. Formerly, only full professors voted in the election of full professors, full and associate professors in the election of associate professors, and full and associate professors and docents in the election of docents. Now, full and associate professors vote in the election of full professors, and docents participate in the election of associate professors. Part-time teachers (honorarni nastavnik) also participate in elections. Elections are by voice vote.

16. Docents and associate professors are elected for only 5 years, at the end of which time they must stand for reelection. Only full professors are exempt from this stipulation.

17. A university teacher's regular service ends at 70. He may retire earlier if necessary, or he may be relieved if he cannot discharge his responsibilities or is morally not qualified to be a university teacher.

18. All faculty and university associates are selected by competitive test and on the basis of reports submitted on them. They are elected for 3 to 5 years, depending upon republic laws.

19. The new law defines the position of assistant. This position is considered as the first step toward a teaching career in a faculty. Assistants may train to be teachers, but do not have to. They may remain assistants all their lives if they so desire.

20. The law provides that any citizen who is a graduate of a secondary school of general education (srednja skola opsteg obrazovanja) may enroll in a faculty. This makes it impossible to create any bars to enrollment, but does not make it impossible for a faculty to set up entrance examinations or competitive tests for entrance. The law also makes it possible for graduates

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of secondary specialized schools (srednja strucna skola) and of teachers schools (uciteljska skola) to enroll in faculties which are pertinent to their field, provided the Federal Executive Council (Savezno izvrsno vece) does not prescribe special conditions for such enrollment.

21. The law also contains other decisions which eliminate inequalities and variations in practice in individual universities and faculties. For example, the law provides for the Federal Executive Council to regulate academic degrees, outside studies, and notarization and acceptance of foreign documents attesting to education abroad.

22. The law provides for republics to initiate the new system by degrees, depending upon the status of their faculties and universities.

23. In a republic where there are schools of higher education which are composed of several faculties, the republic executive council will designate the time and method by which these faculties will become part of a university, and when individual allied faculties will be merged into a single faculty. To date, this has been carried out as follows:

At the beginning of August 1954, the Executive Council of Serbia decreed that the Advanced Technical School (Tehnicka velika skola) and the Advanced Medical School (Medicinska velika skola) in Belgrade and the newly established Faculty of Philosophy and Agriculture (Filozofski i Poljoprivredni fakultet) in Novi Sad should become a part of Belgrade University.

At the end of September 1954, the Executive Council of Slovenia decreed that the Advanced Technical School (Tehnicka visoka skola), the Advanced Medical School (Tehnicka visoka skola), and the Faculty of Agriculture and Forestry and Veterinary Science (Poljoprivredno-sumarsko i veterinarski fakultet) should become a part of Ljubljana University. At the same time, several allied faculties were merged so that Ljubljana University now has five faculties.

24. Since the new law does not relate to art academies, it prescribes that the republics shall issue pertinent laws which will be in accord with the basic principles of this law.

25. Each republic will issue its own law on universities so that the federal law may be applied in each republic according to the republic's own capabilities. Until these laws are issued, the republics will apply the regulations of the federal law so there will as little delay as possible in turning over universities and faculties to social administration.

The republic laws will accomplish the following:

a. Determine what universities are in each republic.

b. Determine what faculties are to be in the universities.

c. Determine what departments each faculty shall have.

d. Determine the length of courses in each faculty.

e. Define the rights and responsibilities of teachers and associates.

f. Define the disciplinary responsibility of teachers and students.

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g. Decree the character, tasks, organization, and administration of university and faculty establishments, such as institutes, bureaus, departments, seminars, clinics, experimental farms, libraries, etc.

h. Regulate the dates of beginning and end of school years.

i. Regulate administration of faculties and universities.

j. Supplement and work out the jurisdictions of the Faculty Administration, which are not expressly regulated by the federal law.

k. Outline the general principles of university and faculty statutes, which govern examinations, grades, scholarships, etc.

26. The Faculty Statute is the basic legal document of each faculty. The Faculty Statute does not emanate from the University Statute but has its own legal validity. The Faculty Council compiles and ratifies the statute. The Statute regulates the organization and work of the faculty, the educational plan, the studies, the faculty establishments, and the administration of the faculty.

Without the republic laws and the statutes, it would be impossible to carry out the provisions of the federal law. However, Yugoslav universities and faculties cannot be reorganized merely by means of laws and other legal orders. There must be systematic and unceasing effort and constructive association not only among universities and faculties but also between these establishments and society.

Social administration of education depends upon the composition, uniformity, qualifications, energy, tact, and professional authority of administrative agencies of Yugoslav universities and faculties. By the establishment of social administration and the accompanying establishment of autonomy and freedom of teaching and science, and by the establishment of the principle that university work is public and open to public criticism, the new law will help universities and faculties develop as quickly as possible into independent and authoritative establishments, which will solve their problems openly and decisively as best suits the interests of Yugoslav society.

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